

FILED

SEP 29 2015

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR
AGENCY ACTION OF FIDELITY
EXPLORATION & PRODUCTION COMPANY
FOR AN ORDER ESTABLISHING A SPECIAL
DRILLING UNIT FOR THE CCU 7-1-26-20
HORIZONTAL WELL FOR THE PRODUCTION
OF OIL AND ASSOCIATED GAS AND
HYDROCARBONS FROM THE PARADOX
FORMATION COMPRISED OF LOTS 9 AND 10,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF
SECTION 6, AND NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 7,
TOWNSHIP 26 SOUTH, RANGE 20 EAST, SLM,
GRAND COUNTY, UTAH

**MOTION FOR *IN CAMERA* FILING
AND REVIEW OF EXHIBITS**

Docket No. 2015-027

Cause No. 166-06

COMES NOW, Fidelity Exploration & Production Company ("Fidelity"), acting by and through its attorneys, MacDonald & Miller Mineral Legal Services, PLLC, and pursuant to Utah Code Ann. §§63G-2-305(1) and (2) and Utah Admin. Code Rule R641-105-300, and hereby respectfully requests the Board to declare Fidelity's Exhibits "K" through "O" filed concurrently herewith to be deemed confidential and protected as such, and to allow review of said exhibits *in camera* by the Board and Division of Oil, Gas and Mining ("the Division") staff only, and not the general public.

The information and data contained in said exhibits support the establishment of Fidelity's requested special drilling unit in this Cause. However, they were derived utilizing proprietary licensed modeling and parameters and analysis by Fidelity, the disclosure of which could reasonably be expected to result in unfair competitive injury to

Fidelity. Fidelity believes it has a greater interest in prohibiting access than the public in obtaining access to said exhibits. As a consequence, Fidelity respectfully claims its Exhibits "K" through "O" should be deemed confidential and protected as such pursuant to the provision of Utah Code Ann. §§63G-2-305(1) and (2), and should be accessed and reviewed *in camera* by the Board and Division staff members only with such afforded protections. Presuming the Board concurs, a proposed conforming Order is submitted herewith.

Respectfully submitted this 29th day of September, 2015.

**MACDONALD & MILLER MINERAL
LEGAL SERVICES, PLLC**

By: 

Frederick M. MacDonald, Esq.

Attorneys for Petitioner Fidelity Exploration &
Production Company

FMM:mk
1050.09

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF FIDELITY EXPLORATION & PRODUCTION COMPANY FOR AN ORDER ESTABLISHING A SPECIAL DRILLING UNIT FOR THE CCU 7-1-26-20 HORIZONTAL WELL FOR THE PRODUCTION OF OIL AND ASSOCIATED GAS AND HYDROCARBONS FROM THE PARADOX FORMATION COMPRISED OF LOTS 9 AND 10, SE¼NW¼, E½SW¼, W½SE¼ AND SE¼SE¼ OF SECTION 6, AND NE¼NE¼ OF SECTION 7, TOWNSHIP 26 SOUTH, RANGE 20 EAST, SLM, GRAND COUNTY, UTAH

**ORDER GRANTING MOTION FOR
IN CAMERA FILING AND REVIEW
OF EXHIBITS**

Docket No. 2015-027

Cause No. 166-06

The Board of Oil, Gas and Mining, having fully considered Fidelity Exploration & Production Company's ("Fidelity's") Motion for *In Camera* Filing and Review of Exhibits filed on September 29, 2015, and finding good cause therefor, hereby grants said Motion and declares Fidelity's Exhibits "K" through "O" filed concurrently with the Motion to be confidential and protected as such pursuant to the provisions of Utah Code Ann. §§63G-2-305(1) and (2). It is further ordered that access and review of said exhibits be authorized *in camera* by the Board and Division of Oil, Gas and Mining staff only, and not the general public.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

DATED this ____ day of _____, 2015.

**STATE OF UTAH
BOARD OF OIL, GAS AND MINING**

By: _____
Ruland J. Gill, Jr., Chairman

1050.09